

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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In the Matter of)

Closed Captioning and Video)

Description of Video Programming)

CC Docket No. 95-176

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Comments of

National Congress of Jewish Deaf/Jewish Deaf Congress, Inc.

Introduction

National Congress of Jewish Deaf/Jewish Deaf Congress, Inc. submits these comments to the Federal Communications Commission's (FCC's) Notice of Inquiry (NOI) on closed captioning and video description. National Congress of Jewish Deaf/Jewish Deaf Congress, Inc. supports the comments of the National Association of the Deaf (NAD) and the Consumer Action Network (CAN). We thank the FCC for its commitment to telecommunications access for all people and for the opportunity to comment on this issue.

The National Congress of Jewish Deaf (NCJD) was established in July, 1956 and aims to advocate Jewish tradition, ideals, education and religion fellowship for people who are Jewish and Deaf. The Jewish Deaf Congress, Inc. (JDC) was found in May 1992, as a 501(c)(3) organization. JDC exists exclusively for educational, religious, and charitable purposes. NCJD and JDC have a history of supporting the growth and development of Jewish deaf community. Both have supported the educational preparation of Deaf and hard of hearing rabbis. In addition, NCJD and JDC support Shabbaton retreats which are specifically geared to providing religious education for youth.

Paragraph 11. Nature and Importance of Captioning; Number of Individuals Who Can Benefit

Captioning is to deaf and hard of hearing people what sound is to hearing individuals. Just as a hearing person derives little or no benefit from watching television with the volume off, a deaf or hard of hearing person derives little or no benefit from watching a program with no captions. Captioned programming provides a wealth of information on news, education, and entertainment.

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A typical example of how inaccessible television was before captioning is expressed by one member of our organization is as follows:

I am the only deaf individual in my family. For years, I would try to watch television with my family and I would see them laugh and I wouldn't know what's so funny. I had to wait for the commercial break for them to tell me the story, but never the dialog. I really never understood how people communicate, what words do they say, and so forth. Closed-captioning is indispensable, and I will only watch closed-captioning broadcasting. If that's not available, that's their loss in terms of audience share and it's my loss because I am being left out.

Paragraph 12. Nature and extent of potential benefits,

Research and anecdotal evidence shows that captioning can help improve reading levels in several populations: individuals learning English as a second language, beginning readers, illiterate adults, remedial readers, and deaf and hard of hearing learners. It is also beneficial for reasons of convenience, such as for use in noisy areas like airport terminals or quiet ones such as offices.

Closed-captioning creates a win-win situation. Not everyone has to be forced to read open captioned or subtitles as seen in foreign movies. Deaf and hearing family members can watch the show together.

Paragraph 14. Availability of closed captioning of television video programming.

Currently all prime time and children's programming is captioned, but rates of captioning on cable are low. Excluding CNN and USA, less than eight percent of cable programming is captioned.

The following paragraph illustrates an idea of not being able to watch programs which have not been captioned:

I am an Independent Distributor for The Peoples Network (TPN), which is a satellite broadcasting company. Currently none of the shows are closed-captioned. TPN broadcast shows in the areas of personal development, career and business, family development, health and wellness, etc. They have educational and informational shows, and a strong alternative to violence and sex on television. The people who need them the most are the ones that can't watch them. Families where there's deaf and hearing members can't watch shows on how to strengthen the family bonds.

Paragraph 21. We request parties to provide information on the current and projected future levels of federal funding.

As the Commission points out, the Federal government has played an important historical role in funding captioning. In the past a large percentage of this money went directly to network broadcasts for the provision of captioning. As Federal funding shrinks, we support directing remaining funds to research to improve technology, subsidize programmers that can show an undue burden, and provide start up funds for low budget programmers and video program owners.

Paragraph 27. Mandatory Requirements.

Mandatory requirements should be the responsibility of the providers. They are the ones who control what goes out over the airwaves. They should ensure that the programs they air are captioned.

Paragraph 31. We also request comment on whether there are particular types of programs for which it is either impractical or unnecessary to provide closed captioning.

There are no particular types of programs for which it is either impractical or unnecessary to provide captioning. Wherever audio appears, captioning should appear.

Paragraph 33. Accuracy of closed captioning on television programming.

We are pleased to see that the amount of captioned television has increased over the years. However, problems remain. Many audio segments are not captioned at all, and often captions are stripped or garbled. Although prime time programming is captioned, many spots during that time are not. These include previews for the show about to be aired, recaps of previous episodes, coming attractions, and information provided during station breaks. Further, open character generated announcements on such important information as election results, emergency warnings, school closings, and weather advisories are obscured. Care must be taken to ensure that one type of captioning does not obscure another type.

Another problem occurs on local news programs when the newscast is captioned with computer-generated captioning, also known as electronic newsroom captioning. This provides only the script for the news. Often captioning done this way is out of sync with the new report, lagging far behind or jumping way ahead of the anchor's delivery. Live shots, weather reports, spontaneous conversation between the anchorpersons and any other information not previously scripted is not captioned.

Captions are often stripped when the program goes from one provider to another. For example, if a prime time program with high quality captioning goes into syndication, often the film needs to be edited to fit into a smaller time frame. Although the visual scenes and the auditory track remain intact, editing parts of the film can remove captioning. Therefore the captioning needs to be reformatted every time it is edited. Editing is quite common. One program can go from the movie theater to premium cable to home video to syndication to basic cable or local stations. If editing occurs each step of the way, much of the captioning can be stripped by the time the program reaches its final destination. Each provider each step of the way must take steps to ensure that reformatting is done so that the captions remain intact.

Sometimes captions are stripped when the signal from the point of origin passes through a local provider. This results from an engineering monitoring error at the local provider.

This following example of one individual's experience who have dealt with stripped or disappeared captions is demonstrated as follows:

There are deaf and hard of hearing people who live in an area with frequent storm watch and warning and the warnings always interfere with the captioning. There's nothing so frustrating watching a movie for one and half hour, and during the climax, in comes the warning and I lose the conclusion. Hearing people don't have to put up with this, why should the deaf people? If there is a warning, broadcasters should make sure one kind of captioning does not cover up another kind.

Captioning needs to be thought of as integral to video programming. It needs to be part of the production process the same way sound is. When it is treated as essential, these problems will be reduced.

It is important that the Commission establish minimum standards for captioning. With the passage of the Telecommunications Act, the amount of captioned programs will greatly increase. While we

applaud that progress, we are concerned that new captioning companies entering the market may not maintain high standards of quality. We propose the FCC establish captioning guidelines to ensure high standards. Such guidelines should address whether captions should or should not be verbatim and whether captioning services or the individuals working for those services to caption programs should meet or exceed certain credentials. We propose these minimum guidelines to assist in developing these standards.

- Individuals who depend on captioning must receive information about the audio portion of the program which is functionally equivalent to the information available through the program's soundtrack. Caption data and information contained in the soundtrack must be delivered intact throughout the entire program.
- Captions should be provided with the style and standards which are appropriate for the particular type of programming that is being captioned. Grammar, timing, and placement should be appropriate.
- Captions must be reformatted as necessary if the programs on which they have been included have been compressed or otherwise edited.
- Captioning must remain intact as it moves through the distribution chain from its point of origin to the local video provider.
- Open character generated announcements should not obstruct or be obstructed by closed captions.

In promulgating minimum standards, the Commission should set up a committee consisting of deaf and hard of hearing consumers, captioning services, the electronics industry, and video producers, programmers, and owners to participate in a regulatory negotiated rulemaking for the purpose of developing comprehensive standards for the provision of high quality captioning services.

Paragraph 34. Transition.


We support the target of 100 percent of programs captioned subject to the undue burden limitation, but recognize that this goal will not be met immediately. We support requiring premium cable stations

to caption 100 percent of their programs within 90 days of the effective date of their rules; and requiring captioning for video programming first published or exhibited after the effective date of its regulations by all video programming providers or owners within six months after the effective date of the Commission's rules.

Conclusion

National Congress of Jewish Deaf/Jewish Deaf Congress, Inc. thanks the Federal Communications Commission for the opportunity to comment on the captioning of video programming. In addition to our own comments, we strongly support the comments made by the National Association of the Deaf and the Consumer Action Network. We applaud the FCC's commitment to making access to telecommunications services a reality for all Americans.

Respectfully submitted,



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